

## ISSUE CHECKLISTS

The following checklists are used by the Issue Department of the Probate Division for the 22<sup>nd</sup> Judicial Circuit and must be complied with before hearings can be set or letters issued.

### MOTION TO COMPEL ADMINISTRATION CHECKLIST

Need filing fee in the amount of \$100.00;
Need ORIGINAL certified death certificate;
Need names and addresses of all the heirs;
Need Filing Information Sheet;
Need the date of death of DECEASED;
The Petition needs to comply with the requirements of 473.020.2;
Must provide service copies.

### PROBATE OF WILL CHECKLIST

Need filing fee in the amount of \$100.00;
Need certified death certificate;
Need request that the petition be set for hearing if not self-proving or cannot have witnesses prove it up;
Need delivery of will for probate;
Need testimony of witness(es) to will if not self-proving;
If cannot obtain testimony of witness(es), then need to request Commission(s) to prove the will if not self-proving.

### FULL ESTATE CHECKLIST (TESTATE)

Need filing fee in the amount of \$230.00;
Need certified death certificate;
Need corporate surety bond in the amount of the personal property rounded up to the next thousand; If value of personal property is unknown, you will need a \$2,000.00 bond. If the personal representative(s) named in the will is applying and the will allows the personal representative to serve without bond, then no bond will be required;
Need names and addresses of all the heirs and legatees;
Need indication as to whether independent or supervised administration is requested;
Need consent(s) to independent administration from legatee(s) if not allowed in will and are requesting independent;
Need refusal to act of named personal representative if the named personal representative is refusing to serve;
Need renunciations/nominations of persons entitled to act as personal representative, or request that the petition be set for hearing if applicant is not the personal representative named in will. If the petition needs to be set for hearing, you must provide service copies for anyone who needs to be personally served;
Need designation of agent by non-resident personal representative and acceptance of designated agent;
Need presentment of will for probate;
Need testimony of witness(es) to will if not self-proving;

If cannot obtain testimony of witness(es), then need to request Commission(s) to prove the will if not self-proving;
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Need filing information sheet.
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#### FULL ESTATE CHECKLIST (INTESTATE)

Need filing fee in the amount of \$195.00;
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Need certified death certificate;
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Need corporate surety bond in the amount of the personal property rounded up to the next thousand. If the personal property value is unknown, then you will need a \$2,000.00 bond;
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Need names and addresses of all heirs;
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Need indication whether independent or supervised administration is requested;
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Need consent(s) to independent administration from heir(s) or call up for hearing or default to supervised;
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Need renunciations/nominations of persons entitled to act as personal representative or request that the petition be set for hearing. If the petition needs to be set for hearing, need to provide service copies for anyone who needs to be personally served;
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Need designation of agent by non-resident personal representative and acceptance of designated agent.
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#### PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR CHECKLIST

Need filing fee in the amount of \$140.00;
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Need certified birth certificate for the minor(s);
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Need Affidavit (page 4 of Application Packet) on the website;
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Need Nomination of Fiduciary by Minor if 14 years of age or older;
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Need corporate surety bond in the amount of the property of the minor rounded up to the next thousand if seeking conservatorship;
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Need Authorization for Release of Information Form;
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Need Request for Child Abuse or Neglect/Criminal Record Form;
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Need Motion for Service by Publication if cannot serve personally;
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Need Affidavit of Due and Diligent Search for anyone you do not know the whereabouts of;
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Need Police Records Check;
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Need service copies.
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#### PETITION FOR APPOINTMENT OF CONSERVATOR OF MINOR CHECKLIST

Need filing fee in the amount of \$140.00;
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Need waiver and/or consent of parent(s);
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Need consent of minor if 14 years of age or older;
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Need corporate surety bond in the amount of the value of the estate rounded up to the next thousand or documentation from the bonding company setting out that the proposed conservator will be bonded for this amount;
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Need service copies.
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## DETERMINATION OF HEIRSHIP

Need filing fee in the amount of \$100.00;
Need ORIGINAL certified death certificate;
Need names and addresses of all the heirs;
Need Filing Information Sheet;
Need the date of death of DECEASED;
Need to comply with the requirements of 473.663.1;
If real property is an asset, need a complete legal description of the real property.

## GUARDIANSHIP AND/OR CONSERVATORSHIP OF ADULT CHECKLIST

Need filing fee in the amount of \$155.00;
Need Filing information sheet;
Need corporate surety bond in the amount of the personal property rounded up to the next thousand if a conservatorship is sought or documentation from the bonding company setting out that the proposed conservator will be bonded for this amount;
Need list of prospective witnesses;
Need financial statement;
Need doctor's interrogatories;
Need service copies.

## REFUSAL OF LETTERS CHECKLIST

Need filing fee in the amount of \$100.00;
For a creditor's refusal, need original itemized funeral bill marked paid in full. You will also need an original receipt or cancelled check;
Need original certified death certificate;
Need the St. Louis City Assessor's form from their website for the real estate value if attempting to obtain real property;
If the value of the assets is greater than the creditor's bill, need a Creditor's Bond in the amount of the difference between the assets and the debt paid;
Original document(s) to support claim (bank statement, car title, etc.)
Filing information sheet;
If a spousal refusal is sought and amount is greater than \$15,000.00, then will need to complete financial statement (on our website).
If a spousal refusal is sought and it contains a claim for real property, the application must contain a complete legal description of the real property.

## AFFIDAVIT FOR COLLECTION OF SMALL ESTATE CHECKLIST

Need filing fee in the amount of \$100.00 or \$135.00 if you are probating a will with the affidavit;
Need certified death certificate;
Need appraised value from St. Louis City Assessor's website for real estate;
Need corporate surety bond of Distributee in the amount of the personal property value rounded up to the next thousand. A bond is not required on small estates if the person serving as affiant is the

personal representative named in a will and the will allows the personal representative to serve without bond.
Need the signature of the Affiant to be acknowledged by a notary;
Need consent(s) from heir(s) if affiant is not an heir or devisee;
If the value in the small estate is more than \$15,000.00, it must be published even if it is later than a year from the date of death;
If real property is an asset to be collected, need complete legal description of the real property.

## TRUSTS

Need filing fee in the amount of \$125.00;
Need addresses of all the TRUSTEES;
Need Filing Information Sheet;
Need service copies and addresses for all interested parties unless filing waivers of service.

## AUDITOR CHECKLISTS

The following checklists are used by the auditor(s) of the Probate Division for the 22<sup>nd</sup> Judicial Circuit when auditing settlements for conservatorships and supervised decedent estates or in independent administration.

### CONSERVATORSHIP SETTLEMENT

All prior settlements should have been approved.
Opening balance must equal closing balance on inventory or last settlement filed if a previous settlement was filed.
Original receipts for all expenditures must be detailed.
All disbursements must be for allowable expenses.
Original vouchers for expenditures must be provided.
Settlement must be mathematically correct.
Sales of personal property should conform to court orders.
Guardian's/Conservator's fee must comply with court order or statute.
Attorney's fee must comply with court order.
All allowed claims should be paid and evidence of payment provided.
Bond premiums must be paid and evidence of payment provided.
Closing balance properly itemized with account numbers, number of shares of stock, interest rates on Cd's etc.
Investments must be those allowed by statute or court.
Will order increase in bond if current bond does not cover amount of assets held plus yearly income.
Balance must be verified by the bank, savings and loan, etc. (i.e. letter from bank with balance, interest rate, account number and should be on letterhead and signed.)
If it is a restricted account, then should file signed certificate of restriction from bank (form on website)
If it is a VA settlement on a file filed before 1981, then will need a VA waiver. If the VA enters its appearance on a conservatorship filed after 1981, a waiver will be needed.
Notice to creditors must be given.
Court Costs must be paid before you can file the settlement.

## ANNUAL SETTLEMENT

All prior settlements should have been approved.
Opening balance should match either inventory amount or the last settlement if a prior settlement has been filed.
Receipts should be sufficiently detailed.
Notice to creditors must be given.
All disbursements should be for allowable expenditures.
Must have all supporting vouchers for expenditures.
Settlement must be mathematically correct.
Sales of personal property must conform to court orders.
The bond premium must be paid and evidence of payment filed with the court.
Personal representative fees must comply with statute or court order.
Attorney's fee must comply with statute or court order.
The auditor will look at the bond amount to make sure it covers the personal property assets in the estate.
Have claims been allowed and, if so, they must be paid.
Has a credit been taken for federal estate taxes?
Does Will contain a bequest or tax clause?
Closing balance must be properly itemized with account numbers, number of shares of stock, interest rates on CD's, etc.

## FOR PARTIAL DISTRIBUTIONS

Distribution must correspond to will or affidavit of heirship.
Are distributions equal?
Has estate tax been adjusted?

## FINAL SETTLEMENT

All prior settlements must be approved.
Opening balance must equal either the inventory or the last settlement filed if a prior annual settlement was filed.
Receipts must be sufficiently detailed.
Notice must have been give to creditors.
All disbursements must be for allowable expenses.
Must have vouchers for all expenditures.
Settlement should be mathematically correct.
Sales of personal property must conform to court orders.
Personal representative fees must meet statutory amount or amount ordered by court.
Attorney's fee must meet statutory amount or amount ordered by court.
Closing balance must be properly itemized with account numbers, number of shares of stock, interest rates on CD's, etc.
The amount of the bond is looked at to make sure it covers all personal property assets.
Have claims been allowed? If so, they must be paid and evidence of payment filed with the court.
There should be no motions, claims or appeals pending.
Is the inheritance tax paid?
Has a credit been taken for federal estate taxes?
Does Will contain a bequest or tax clause?

All court appointed appraisers must be paid and evidence of payment filed with the court.
Settlement must show that specific bequests are satisfied.
Settlement must show that general devisees are paid.
Final court costs must be paid before you can file the settlement.
The bond premium must be paid and evidence of payment filed with the court.
Distribution should correspond to will or affidavit of heirship, taking into account any prior partial distributions.
If a family allowance was allowed, it must be satisfied and evidence of payment filed with the court.
If a homestead allowance was allowed, it must be adjusted.
Has estate tax been adjusted?
Notice of final settlement must be published and mailed or waivers filed.
All assets must be accounted for by sale, charge off or distribution.
Final receipts must be filed once the distributions are made.
A Missouri HealthNet Release, Waiver or Satisfaction must be filed before settlement can be approved